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8 PACIFIC BELL TELEPHONE COMPANY

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE,

Plaintiff,

v.

PACIFIC BELL TELEPHONE COMPANY,

Defendant.

CASE NO. 2:21-cv-00073-JDP

**STIPULATION RE JOINT STATUS
UPDATE AND ~~PROPOSED~~ ORDER
EXTENDING DEADLINES UNDER
CONSENT DECREE**

1 Having met and conferred, the undersigned parties stipulate as follows:

2 WHEREAS, on November 5, 2022, the Court entered the Amended Consent Decree
3 (Consent Decree) (ECF No. 22) in this action;

4 WHEREAS, the Consent Decree calls for the removal and disposal of certain submerged
5 cables (Cables) in Lake Tahoe and such activities require approvals from certain public agencies
6 (Approvals);

7 WHEREAS, the Consent Decree provided Defendant with an initial six months to secure
8 the Approvals, allowed the parties to mutually agree to extend that deadline by up to six months,
9 and allowed the Court to further extend the deadline as needed;

10 WHEREAS, on October 19, 2022, the parties asked the Court to extend the deadline for
11 Defendant to secure the Approvals under the Consent Decree and acknowledged that further
12 extensions may be needed;

13 WHEREAS, on November 1, 2022, the Court extended the deadline for Defendant to secure
14 the Approvals to January 27, 2023, and ordered the parties to submit a joint status report regarding
15 the status of the Approvals by no later than January 15, 2023;

16 WHEREAS, on or before September 1, 2022, Defendant submitted applications for all
17 Approvals it believed at that time were required for the cable removal project;

18 WHEREAS, on October 25, 2022, the Lahontan Regional Water Quality Control Board
19 issued a Clean Water Act Section 401 Water Quality Certification for the cable removal project;

20 WHEREAS, in June 2022, Defendant provided the U.S. Forest Service with drawings and
21 other information and requested consultation as to whether any permit or approval would be
22 required for the cable removal project;

23 WHEREAS, on December 15, 2022, after several follow-up attempts from Defendant, the
24 U.S. Forest Service informed Defendant that a temporary special use permit is required for the
25 cable removal project, and Defendant anticipates submitting that application before the end of the
26 month;

27 WHEREAS, Defendant is currently waiting for the agency review process to conclude for
28 all Approvals except: (i) the Clean Water Act Section 401 Water Quality Certification, which has

1 already been issued; and (ii) the temporary special use permit from the U.S. Forest Service
2 described above, an application for which will be submitted in the coming weeks;

3 WHEREAS, Defendant has not received any assurances from the various state and federal
4 agencies regarding when the remaining Approvals will be issued; and,

5 WHEREAS, under the circumstances, the parties agree to extend the deadline to secure the
6 Approvals by approximately 90 days to April 28, 2023.

7 NOW, THEREFORE, the parties respectfully and jointly ask that the Court enter an order
8 extending the deadlines for securing the Approvals and providing notice of the same to April 28,
9 2023. A proposed order follows the parties' signature blocks.

10 Respectfully submitted,

11 DATED: January 12, 2023

PAUL HASTINGS LLP

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13 By: /s/ Navi S. Dhillon
14 NAVI S. DHILLON

15 Attorneys for Defendant
16 PACIFIC BELL TELEPHONE COMPANY

17 DATED: January 12, 2023

18 KLAMATH ENVIRONMENTAL LAW
19 CENTER

20 By: /s/ William Verick
21 WILLIAM VERICK

22 Attorneys for Plaintiff
23 CALIFORNIA SPORTFISHING
24 PROTECTION ALLIANCE

25 The filer of this document attests that all signatories listed above have concurred in the
26 filing of this document.

[PROPOSED] ORDER

2 PURSUANT TO STIPULATION, the deadline under the Amended Consent Decree (ECF
3 No. 22) for Defendant to provide Plaintiff with notice that it has secured the Approvals is extended
4 to April 28, 2023.

5 The parties shall submit a joint status report regarding the status of the Approvals by no
6 later than April 17, 2023.

IT IS SO ORDERED

Dated: January 24, 2023

JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE